

Appl. No. 10/614,913
Docket No. AA596M
Amtd. dated July 19, 2006
Reply to Office Action mailed on 4/20/06
Customer No. 27752

REMARKS/ARGUMENTS

Claims 1-3, 6, 8 and 9 have been cancelled herewith without prejudice.

Independent Claim 10 is now the basic claim of the application, and Claims 4, 5 and 7 now depend directly or indirectly therefrom.

Claim 10 as now amended recites the preferred article disclosed at page 8, lines 6-14, especially lines 8-14, i.e., the double-walled cap, the inner lip, the interior edge and the contact thereof to provide the seal which is impermeable to the liquid detergent composition.

Claim 4 now properly depends from Claim 10.

It is submitted that all amendments are fully supported and entry is requested.

Rejections Under 35 USC 102

Claims 1-3 stand rejected under §102 over US 6,938,805, for reasons of record at pages 2-3 of the Office Action.

It is submitted that these rejections have been obviated by the cancellation of Claims 1-3 herewith.

Rejections Under 35 USC 103

Claims 4-10 stand rejected over US 6,938,805 in view of US 5,108,009, for reasons of record at pages 4-5 of the Office Action.

Applicants respectfully traverse the rejections, to the extent they may apply to the claims as now amended.

Attention is directed to Fig. 3 of '009 which clearly demonstrates the "drainback fitment" (column 2, line 34) of the disclosed device. This feature, which is key to the operation of the device, provides constant communication of the liquid bottle contents with the cap, and bottle and well (26) via notch (32). See, generally, column 3, lines 36-55.

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It is submitted that this is the exact opposite of the present invention, whereby the seal prevents the cleaning composition from contacting the edges of the exterior cavity (40) during storage. (Specification at page 8, line 14.)

Under MPEP 2143.01, if the proposed modification would render the invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motive to make the proposed modification. In short, to cut a "notch" in the present article to provide the drain-back feature of '009 would totally negate the leak-proof seal feature of the present invention.

Thus, it is submitted that '009 is not properly combinable with the primary reference '805 to support the rejection under §103.

Turning briefly to the primary reference '805, it is respectfully submitted that it would appear that the disclosed refillable bottle amounts to little more than the refillable squeeze-type mustard and ketchup dispensers found in any baseball stadium! See, for example Fig. 8B and Fig. 8C.

Stripped of its verbiage, the container of '805 comprises a body having a relatively large orifice to allow re-fill, a removable lid terminating in a relatively smaller dispensing orifice and a simple cap to seal the contents. (In the alternative, the body can have the filling orifice at its base – which may be novel, but would certainly be unhandy for the user.)

In any event, combining the rather unremarkable container/dispenser of '805 with '009 would still not provide the article of the present invention, for reasons discussed above with respect to '009. Accordingly, it is submitted that the claims as now amended fully distinguish over the combination of references. Withdrawal of the rejections on this basis is requested.

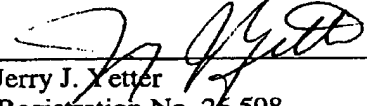
In light of the foregoing, early and favorable action in the case is requested.

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Respectfully submitted,

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